IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 958(S/S)2007

Smt. Brijlata W/o Sri Vikram Singh,
R/o Mohalla Gautamnagar, Tanda Ujjain, Kashipur,
Posted as Assistant Teacher Primary School,
Dhakiya, Gullabo, Kashipur,
District Udham Singh Nagar. ---- Petitioner.

Vs.

1. State of Uttarakhand through Secretary Education,
Civil Secretariat, Dehradun,
2. Joint Director of Education, Kumaon Mandal, Nainital,
3. Upper District Education Officer (Basic),
District U.S. Nagar,
4. Principal, Primary School, Dhakiya Gullabo,
Development Division Kashipur, U.S. Nagar,
5. District Education Officer (Basic), U.S. Nagar. –Respondents.

Sri S.K. Mandal, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Mandal, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has challenged the impugned transfer order dated 05.06.2007 (annexure no.4, so far as it relates to the petitioner) passed by respondent no. 3 by which the petitioner has been transferred from Primary School, Dhakiya Gullabo-Kashipur, U.S. Nagar to Primary School, Kattaiya, Kashipur, U.S. Nagar.

The transfer order has been challenged on various grounds such as the petitioner has joined present place of her posting on 30.10.2006 i.e. merely 7 months earlier and within a short span of seven months she has again been transferred; that the other Teachers, namely, Beg Raj Singh-Principal, Smt. Nishat Anjum-Assistant Teacher, Smt. Jaiwati-Assistant Teacher and Smt. Teena Tomar-Assistant Teacher who have a long stay in the Institution have not been transferred whereas; the petitioner who is junior most and has a short stay in the Institution has been transferred; that there are sufficient number of students in the Institution therefore the petitioner can be adjusted in the very Institution and lastly the respondents have adopted pick and choose method in making transfers which is against the transfer policy.

So far the ground of long stay of other Teachers in the Institution is concerned, in absence of pleadings it cannot be observed that other Teachers, whose names are mentioned in the writ petition, are staying since along and the petitioner is junior most in the Institution.

In this regard, the petitioner, raising all her grievances, has already moved representation before respondent no. 5 i.e. District Education Officer (Basic), Udham Singh Nagar on 16.07.2007 (annexure no. 5) which is still pending before him.

In these circumstances, the respondent no. 5 is directed to take decision on the representation of the petitioner dated 16.07.2007 pending before him, contains as annexure no.5 to the writ petition, within a period of 10 days from the date of production of a certified copy of this order. The petitioner is

directed to produce a certified copy of the order before respondent no.5 within a week.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 25, 2007:
NCM: